

REMARKS

Claims 1, 95-102, 105, and 106 are currently amended. Claims 8, 44-47, 50-59, 61-69, 74, 93, 94, 103, 104, 107 and 108 are canceled. Claims 9-43, 48, 49, 60, 77, 84-88, 92, and 109 have been withdrawn. Claims 1-7, 70-73, 75, 76, 78-83, 89-91, 95-102, 105, 106 and 110-114 are currently under examination. Reconsideration of the application in view of the current claims is respectfully requested and further in view of the following Remarks.

I. INFORMATION DISCLOSURE STATEMENT

Applicants acknowledge, with appreciation, the Examiner's indication that the references submitted in the Information Disclosure Statement filed August 18, 2008 and June 28, 2011 have been considered.

II. OBJECTIONS TO THE TITLE

Applicants have amended the title to be more descriptive of the elected invention.

III. OBJECTIONS TO THE DRAWINGS

The Examiner has objected to Figures 3, 4, 21, 25-36, 38, and 39 for being illegible. The Examiner further objected to Figure 18 for being informal. In addition, the Examiner objected to Figure 24 because it was identified as Figure 28 within the specification. Applicants submit herewith Replacement Sheets for Figures 3, 4, 18, 21, 25-36, 38, and 39. In addition, Applicants have amended the specification to correct the typographical error referring to Figure 28. Accordingly, Applicants respectfully request withdrawal of the Examiner's objections to the drawings.

IV. OBJECTIONS TO THE SEQUENCE LISTING

The Examiner has objected to the Sequence Listing for containing identical sequences in SEQ ID NO: 8 and 18. Applicants concurrently submit a substitute sequence listing correct the error in the sequences. Accordingly, Applicants respectfully request withdrawal of the objection to the sequence listing.

V. OBJECTIONS TO THE SPECIFICATION

The Examiner has objected to the specification in that two separate specifications were filed on April 18, 2006 and has asked Applicants to identify the specification to be used for any issued patent. Applicants have reviewed the specification as filed in Private PAIR, and respectfully request that the Examiner use the specification which contain 313 pages. The 313-page specification contains all of the pages as filed in prior International Application No. PCT/US2004/039066. Applicants have reviewed the specification which contains only 259 pages and discovered that it is missing pages 173 to 210.

The Examiner has further objected to the specification for containing hyperlinks. Applicants have amended the specification to remove the hyperlink containing within the application. Accordingly, Applicants respect request that the objections to the specification be withdrawn.

VI. OBJECTIONS TO THE CLAIMS

The Examiner has objected to the claims 105 and 106 for containing the term ASP which was not defined in its first appearance. Applicants have amended claims 105 and 106 to replace the term “ASP”. Applicants have further amended claim 106 to insert the word “comprising”. Accordingly, Applicants respectfully request that the object to the claims be withdrawn.

VII. CLAIM REJECTIONS UNDER 35 U.S.C. § 101

DOUBLE PATENTING

The Examiner has rejected claims 1-4, 6, 7, 47, 54, 70-73, 75, 76, 89-91, 93-106, and 110-114 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 22, 24, 26, 27, 29, 31, 33, 35, 37, 39, 40, 51, 52, 54-57, 59-61, 64-69 of U.S. Patent No. 7,985,569 and has invited Applicant to submit a Terminal Disclaimer to overcome the rejection.

The Examiner has further rejected claims 1-4, 6, 7, 47, 54, 70-73, 75, 76, 89-91, 93-106, and 110-114 under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claims 1-3, 51, 52, 54-57, and 59-69 of co-pending U.S. Application No. 13/162,104 and has invited Applicant to submit a Terminal Disclaimer to overcome the rejection.

As this is a provisional rejection, Applicant will address the rejection upon indication of allowable subject matter by the Examiner.

VIII. CLAIM REJECTION UNDER 35 U.S.C. § 112

The Examiner has rejected claims 1-7, 54, 70-73, 75, 76, 89-106, and 110-114 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has rejected claim 1, from which claims 2-7, 54, 70-73, 75, 76, 89-106, and 110-114 depend, under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully disagree, but have made amendments to claim 1 in order to expedite prosecution. The skilled artisan would understand that a serine protease having 90% identity to SEQ ID NO:8 would retain serine protease activity.

The Examiner has rejected claims 93, 94, 103, and 104 under 35 U.S.C. 112, second paragraph, as being indefinite. These claims have been canceled, rendering this rejection moot.

The Examiner has rejected claim 99 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 99 has been amended such that the “acid stable enzyme” is stable at a “neat pH of from about 3 to about 5.” Thus, the skilled artisan would know the metes and bounds of the recited claim.

The Examiner has rejected claim 1 under 35 U.S.C. 112, second paragraph, for lacking antecedent basis. Claim 1 has been amended to provide proper basis.

The Examiner has rejected claims 95-98 and 100-103 under 35 U.S.C. 112, second paragraph. Claims 95-98 and 100-102 have been amended accordingly, and claim 103 has been canceled.

The Examiner has rejected claims 105 and 106 under 35 U.S.C. 112, second paragraph. Claims 105 and 106 have been amended accordingly.

Based on the reasons provided above, withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested.

IX. CLAIM REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

(ENABLEMENT)

The Examiner has rejected claims 1-4, 6, 7, 47, 54, 70-72, 75, 76, 89-91, 93-106, and 110-114 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. (See pages 9-12, Office Action).

Applicants have amended claim 1 to recite 90% identity to SEQ ID NO:8. The skilled artisan would be able to make and use the invention commensurate in scope with the amended claim. As such, Applicants respectfully request withdrawal of this rejection.

X. CLAIM REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

(WRITTEN DESCRIPTION)

The Examiner has rejected claims 1-4, 6, 7, 54, 70-72, 75, 76, and 89-91 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. (See pages 13-15, Office Action).

Applicants have amended claim 1 to recite 90% identity to SEQ ID NO:8. The skilled artisan would be able to make and use the invention commensurate in scope with the amended claim. As such, Applicants respectfully request withdrawal of this rejection.

XI. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

The Examiner has rejected claim 3 under 35 U.S.C. § 102(e) as being anticipated by Kim et al (U.S. Patent No. 7,378,256, hereinafter "Kim et al."). Kim et al. has a priority date of November 18, 2004, which is later in time than the priority date of the related provisional

application of the instant application (U.S. Serial No. 60/523,609, filed November 19, 2003).

Thus, Applicants request withdrawal of this rejection.

The Examiner has further rejected claim 47 under 35 U.S.C. § 102(b) as being anticipated by van Eekelen et al. (U.S. Patent No. 5,217,878, hereinafter “van Eekelen et al.”). Claim 47 has been canceled, rendering this rejection moot.

The Examiner has further rejected claim 54 under 35 U.S.C. § 102(b) as being anticipated by Sigma, Inc. (Sigma, Inc. Catalogue 1997, page 1159, hereinafter “Sigma, Inc.”). Claim 54 has been canceled, rendering this rejection moot.

CONCLUSION

For the foregoing reasons, Applicants request the Examiner allow claims 1-7, 70-73, 75, 76, 78-83, 89-91, 95-102, 105, 106 and 110-114 and advance the application to issuance.

FEE AUTHORIZATION

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **07-1048** (Docket No. GC819-2-US/B).

Respectfully submitted,

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By: /Lawrence B. Kong/
Lawrence B. Kong
Registration No. 49,043

DANISCO US INC.
925 Page Mill Road
Palo Alto, CA 94304
Direct Dial: (650) 846-7636
Facsimile: (650) 845-6504